

RESOLUTION NO. 2004-_____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
SAN BERNARDINO TO VACATE EXCESS ROAD RIGHT-OF-WAY ON PHELAN ROAD OUTER
HIGHWAY SOUTH IN THE PHELAN AREA**

On Tuesday _____, 2004, on motion of Supervisor _____, duly seconded by Supervisor _____ and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS an easement for roadway purposes known as Phelan Road Outer Highway South was dedicated to said County per Tract map titled "Thunderbird Terrace", Tract No. 5790, recorded July 10, 1958, in Book 73 of Maps, Page 4, records of said County; and

WHEREAS said Phelan Road Outer Highway South was dedicated as a 50 foot wide east-west through street providing an access route that is parallel to and contiguous to Phelan Road and Lots 1, 16, 17, 32, and 33 of said Tract, extending from Lebec Road, easterly to a point on the easterly boundary line of said Tract, said point being approximately 330 feet easterly of Malpaso Road, as shown on said Tract; and

WHEREAS when said Phelan Road Outer Highway South was dedicated, along with other like tracts in the Phelan and Victorville areas, it was conditioned to dedicate the outer highway as normal procedure for the purpose of reducing the number of driveway openings onto the major traveled roadway, Phelan Road, thus promoting the health and safety of the motoring public; and

WHEREAS in addition to the then normal procedure of dedicating an outer highway, said Tract, along with other like tracts in the Phelan and Victorville areas, did dedicate to said County the vehicular access rights, shown as Non Access on said Tract, directly along the road right-of-way line that separates the major traveled roadway, Phelan Road, and the outer highway, Phelan Road Outer Highway South, thus preventing direct vehicular access from the major traveled way, Phelan Road, to said Lots 1, 16, 17, 32, and 33 of said tract, and thus further promoting the health and safety of the motoring public; and

WHEREAS to gain vehicular access to Phelan Road Outer Highway South and said Lots 1, 16, 17, 32, and 33 of said Tract, access openings were provided at the intersecting streets, Lebec Road and Malpaso Road, thus allowing vehicular access from Phelan Road onto Lebec Road or Malpaso Road and then onto Phelan Road Outer Highway South, and finally to said contiguous lots, thus reducing the number of access openings onto the major traveled way, Phelan Road; and

WHEREAS the general public does not utilize Phelan Road Outer Highway South due to Phelan Road being the paved and maintained main roadway in the local area and thus making it the easily accessible preferred route to said intersecting streets, Lebec Road and Malpaso Road; and

WHEREAS Phelan Road Outer Highway South is not necessary for future or prospective public use due to outer highways no longer being required or desired due to other safety concerns for the motoring public; now therefore

BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino, State of California, it is now in the public interest that the following described portion of Phelan Road Outer Highway South is hereby declared excess highway right-of-way with the remaining portion of Phelan Road Outer Highway South being hereby joined and merged with existing Phelan Road right-of-way, and the existing Non Access rights held by said County are hereby relocated as follows:

(See Exhibit "A" legal description and Exhibit "B" plat attached hereto and made a part hereof)

BE IT FURTHER RESOLVED, pursuant to Section 8334 of the Streets and Highways Code of the State of California, relating to the vacation of public streets and highways, said Board finds the excess highway right-of-way described above is not required for street or highway purposes, and pursuant to Section 892 of said Streets and Highways Code, relating to the abandonment of rights-of-way, said right-of-way is not needed for non-motorized vehicle facilities; and

BE IT FURTHER RESOLVED, pursuant to Section 8335 of said Streets and Highways Code, said Board has stated the chapter this vacation is made under, the name or other designation of the street or highway and a precise description of the portion to be vacated, and the facts under which the summary vacation is made, does hereby state that said excess highway right-of-way heretofore existing shall no longer constitute a street, highway or alley from and after the date this resolution is recorded; and

BE IT FURTHER RESOLVED, pursuant to Sections 8340 and 8341 of said Streets and Highways Code, relating to the reservation and exception of easements and rights-of-way, said Board finds a reservation and exception is necessary for existing in-place public utility facilities for water distribution purposes for the use and benefit of the Sheep Creek Water Company, and for telephone purposes for the use and benefit of Verizon Communications, and for cable TV purposes for the use and benefit of Charter Communications; and

BE IT FURTHER RESOLVED, pursuant to Section 8336 of said Streets and Highways Code, that the Clerk of this Board is hereby directed to record a certified copy of this resolution under the seal of this Board in the office of the County Recorder.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

* * * * *

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **J. RENÉE BASTIAN**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of _____, 2004.

J. RENÉE BASTIAN
Clerk of the Board of Supervisors

By _____
Deputy